

GENERAL NPDES PERMIT FOR  
DISCHARGES OF TREATED GROUNDWATER ASSOCIATED WITH

**UNDERGROUND STORAGE TANK REMEDIATION**

**PERMIT NO. TNG830000**

Under authority of the Tennessee Water Quality Control Act of 1977 ([T.C.A. 69-3-101](#) et seq.) and the authorization by the United States Environmental Protection Agency under the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 ([33 U.S.C. 1251](#), et seq.) and the [Water Quality Act of 1987, P.L. 100-4](#), except as provided in part I.D.3 (Discharges to Water Quality Impaired/Water Quality Limited Waters) of this general permit, operators of point source discharges of treated groundwater associated with underground storage tank remediation into waters of the State of Tennessee, are authorized to discharge treated groundwater associated with underground storage tank remediation in accordance with the following permit monitoring and reporting requirements, effluent limitations, and other provisions as set forth in parts I through X herein, from the subject outfalls to waters of the State of Tennessee.

This permit is issued on: **March 3, 2003**

This permit is effective on: **March 4, 2003**

This permit expires on: **February 29, 2008**

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Paul E. Davis, Director  
Division of Water Pollution Control

**NPDES GENERAL PERMIT  
FOR  
DISCHARGES OF TREATED GROUNDWATER ASSOCIATED WITH  
UNDERGROUND STORAGE TANK REMEDIATION**

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UST NPDES GP  
Introduction, Fees and Reporting Requirements

**Introduction --**

The following document is a State of Tennessee permit that authorizes discharges of effluent from treatment of groundwater that has been contaminated by petroleum from an underground storage tank to surface waters. To obtain coverage under this permit, one must submit a Notice of Intent (NOI) to the division. Appendix A of this permit is the NOI. A summary of requirements and deadlines for NOI submittal to obtain coverage under this general permit is presented in the Table below:

<b>Operator Status</b>	<b>Deadline for NOI submittal</b>
Existing site covered under previous UST GP	30 days following the effective date (March 4, 2003) of this general permit
Existing site covered under an individual NPDES permit	At least 180 days before an expiration date of the individual NPDES permit
New Site/Source	At least 30 days before any discharge of treated groundwater to the waters of the state occurs
New Operator	At least 5 days prior to the change of operator
Maintaining coverage under this UST GP upon permit expiration	The permittees may maintain coverage under the expired UST GP (until a new general permit is issued) by re-submitting the completed NOI prior to the expiration date (February 29, 2008) of this general permit

This permit is a state-issued National Pollutant Discharge Elimination System (NPDES) general permit, with a permit number of TNG830000. Facilities covered under this permit will be assigned permit tracking numbers in the sequence TNG830001, TNG830002, etc. A general permit is one designed to apply to a category of sources that involve the same or substantially similar operations, discharge the same types of wastes, and require the same or similar permit conditions and monitoring provisions.

Detailed information regarding Underground Storage Tank (UST) Notification program can be found at the web site <http://www.state.tn.us/environment/permits/noticeust.htm>. In order to get more information regarding the Division of Water Pollution's (the division) permitting program, we ask you to visit our web site located at: <http://www.state.tn.us/environment/permits/index.html>. At our web site, you will be able to download general and specific permit requirements, permit forms, public notices, find question and answer documents, links to other relevant web sites, etc. The [Glossary of Terms](#) can be found in TDEC's [Environmental Permitting Handbook](#). You can contact us by sending an [E-mail](#) by selecting "Water Pollution Control" from the pull-down menu. If you do not have access to the web, or have other questions, contact us at 1-888-891-8332 (TDEC).

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**Fees --**

The fees shall be as specified in the Rules of Tennessee Department of Environment and Conservation, Division of Water Pollution Control, Water Quality Control Board, [Chapter 1200-4-11 – Environmental Protection Fund Fees](#). The division will invoice the permittee for the annual permit fee. At the time of this general permit issuance, the following fees were in effect:

Permit Application Fee: None

Annual Permit Fee: \$ 250.00

**Monitoring and Reporting requirements of this permit --**

Discharges covered by this permit must comply with the following numerical effluent limits:

Parameter	Effluent Limitation	Sample Type
Flow	Report in GPD	Instantaneous
Benzene	0.005 mg/L as a daily max. concentration	Grab
Ethyl benzene	0.010 mg/L as a daily max. concentration	Grab
Toluene	0.010 mg/L as a daily max. concentration	Grab
Xylene	0.010 mg/L as a daily max. concentration	Grab
Lead, total recoverable	0.164 mg/L as a daily max. concentration	Grab
Lead, total recoverable	0.006 mg/L as a monthly average concentration *	Grab
Total Suspended Solids (TSS)	40.0 mg/L as a daily max. concentration	Grab
Floating Material, Color, Foam and Oil Sheen	No distinctly visible floating scum, oil or other matter	Visual
pH	6.5 - 9.0 (range)	Grab
IC25 (see Note)	Survival, Reproduction, & Growth in 100% effluent	Composite
48 Hour LC50 (see Note)	Survival in 100% effluent	Composite

\* In addition to the daily maximum concentration limitation for total recoverable lead, monthly average limitation will apply to those treatment systems that are discharging continuously for more than 4 days at any period of time into a zero low-flow receiving stream.

Note: The type of whole effluent toxicity testing applicable to any discharge depends on the receiving stream low flow conditions. The applicable critical low flow values are determined using USGS data from: "Flow Duration and Low Flows of Tennessee Streams through 1992 by George S. Law and Jess D. Weaver. Water Resources Investigations Report 95-4293 prepared by the U.S. Geological Survey in Cooperation with the Tennessee Department of Environment and Conservation and the Tennessee Valley Authority, Nashville, Tennessee, 1996" (or the most current edition, or other appropriate USGS sources). The applicable critical low flow values for Fish and Aquatic Life Protection are: 7Q10 for low flow under natural conditions and 1Q10 for regulated low flow conditions. Discharges into zero (0) low flow receiving streams will have to comply with the numerical effluent limits for IC25. Discharges into receiving streams with a low flow above zero (>0) will have to comply with the numerical effluent limits for 48 hour LC50. Calculation of dilution factor is on page 8 of the permit. If the calculated dilution factor is more than 500:1, and assuming immediate and complete mixing, the permittee can request a waiver of the whole effluent toxicity testing requirement.

Monitoring frequency for these parameters shall be once per quarter, except for the new operations and toxicity testing. For the first three months of operations, monitoring treated groundwater shall be conducted monthly. Toxicity testing shall be also conducted monthly on 2 appropriate test species. If toxicity is determined in any of these tests, annual testing will be required for the duration of the permit. The permittee must submit Discharge Monitoring Report (DMR) forms to the division. DMR is a report

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form which is due on the fifteenth of the month following the previous monitoring report period. For details regarding monitoring and reporting, see parts V: Monitoring and VI: Reporting.

The division will send [Discharge Monitoring Report \(DMR\)](#) forms to permittees in six-month batches. The first batch will be sent a few weeks after a site becomes covered under the general permit. If blank DMR forms are not available, this does not relieve the permittee of its responsibility to submit monthly reporting results within the required time. The permittee should contact the [Nashville Central Office](#) to resolve any DMR printing errors or omissions.

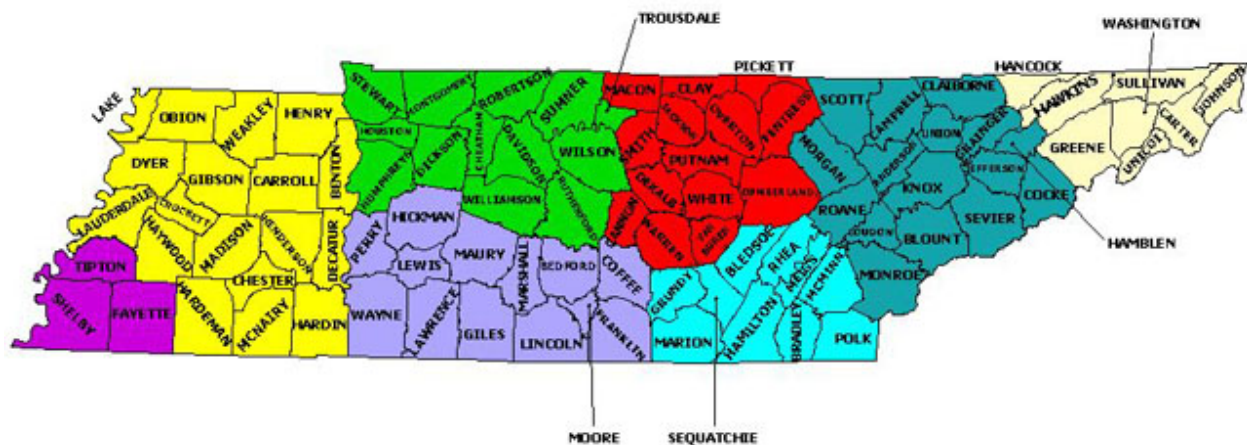
## I. COVERAGE UNDER THIS GENERAL PERMIT

### A. Permit Area

The permit is being issued for the entire State of Tennessee.

### B. List and Map of the Division's Environmental Assistance Centers (EACs) and Corresponding Counties

<a href="#">EAC Name</a>	List of Counties
<a href="#">Chattanooga</a>	Bledsoe, Bradley, Grundy, Hamilton, Marion, McMinn, Meigs, Polk, Rhea, Sequatchie
<a href="#">Columbia</a>	Bedford, Coffee, Franklin, Giles, Hickman, Lawrence, Lewis, Lincoln, Marshall, Maury, Moore, Perry, Wayne
<a href="#">Cookeville</a>	Cannon, Clay, Cumberland, De Kalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, Van Buren, Warren, White
<a href="#">Jackson</a>	Benton, Carroll, Chester, Crockett, Decatur, Dyer, Gibson, Hardeman, Hardin, Haywood, Henderson, Henry, Lake, Lauderdale, Madison, McNairy, Obion, Weakley
<a href="#">Johnson City</a>	Carter, Greene, Hancock, Hawkins, Johnson, Sullivan, Unicoi, Washington
<a href="#">Knoxville</a>	Anderson, Blount, Campbell, Claiborne, Cocke, Grainger, Hamblen, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Scott, Sevier, Union
<a href="#">Memphis</a>	Fayette, Shelby, Tipton
<a href="#">Nashville</a>	Cheatham, Davidson, Dickson, Houston, Humphreys, Montgomery, Robertson, Rutherford, Stewart, Sumner, Trousdale, Williamson, Wilson



**C. List of the Division's EACs with Addresses and Phone Numbers**

<u>EAC NAME</u>	Address	City	Zip	Area Code	Phone Number
<a href="#">Chattanooga</a>	540 McCallie Avenue, Suite 550	Chattanooga	37402-2013	423	634-5745
<a href="#">Columbia</a>	2484 Park Plus Drive	Columbia	38401-5300	931	380-3371
<a href="#">Cookeville</a>	1221 South Willow Avenue	Cookeville	38506-5300	931	432-4015
<a href="#">Jackson</a>	362 Carriage House Drive	Jackson	38305-2222	731	512-1300
<a href="#">Johnson City</a>	2305 Silverdale Road	Johnson City	37601-2162	423	854-5400
<a href="#">Knoxville</a>	2700 Middlebrook Pike, Suite 220	Knoxville	37921-5300	865	594-6035
<a href="#">Memphis</a>	2510 Mt. Moriah Road, Suite E-645	Memphis	38115-1520	901	368-7939
<a href="#">Nashville</a>	711 R.S. Gass Boulevard	Nashville	37243-1550	615	687-7000
<a href="#">Nashville Central Office</a>	6th Floor, L&C Annex 401 Church Street	Nashville	37243-1534	615	532-0625

All Environmental Assistance Centers (EACs) may be reached by telephone at the toll-free number 1-888-891-8332 (TDEC).

**D. Eligibility**

1. Discharges Covered

This permit addresses any new or existing discharges of treated groundwater associated with petroleum product underground storage tank (UST) remediation to surface waters of the State of Tennessee. This permit serves as a National Pollutant Discharge Elimination System (NPDES) general permit and is issued to be effective for a term of five years.

2. Limitations on Coverage

(a) This permit does not apply to discharges that the director determines are contributing or may reasonably be expected to be contributing to a violation of a water quality standard, or to any person who discharges in violation of the Water Quality Control Act, or the regulations promulgated thereunder.

(b) The division may deny an applicant coverage under this permit if the applicant has not obtained approval for cleanup activities from the [Division of Underground Storage Tanks](#), under [Underground Storage Tank Program Rule 1200-1-15](#). Any remedial action required to be performed by a permittee at a site by the Division of Underground Storage Tanks will be managed by the [Division of Underground Storage Tanks](#).

(c) This permit does not apply to discharges into waters that are designated by the Water Quality Control Board as Outstanding National Resource Waters (ONRWs) or that are identified by the Department of Environment and Conservation (TDEC) as high quality waters. Designation of ONRWs and identification of other high quality waters are made according to [TDEC Rule 1200-4-3-.06](#).



### 3. Discharges to Water Quality Impaired/Water Quality Limited Waters

(a) This part of the permit applies to all existing or proposed discharges into Water Quality Impaired/Water Quality Limited Waters ([Impaired Waters](#)). Impaired waters means any segment of surface waters that has been identified by the division as failing to support classified uses. Pollutants of concern associated with discharges of treated groundwater associated with petroleum product UST remediation sites are listed in part IV below: Effluent Limits. To obtain authorization under this permit, discharges into receiving streams impaired by pollutants of concern must satisfy special conditions described in this part. These special conditions also apply to discharges upstream of impaired waters, which, because of the proximity to the impaired segment and the nature of the discharge, are likely to contribute pollutants for which the receiving water is impaired in amounts that are measurable in the impaired segment. The owner or operator must satisfy the following conditions to be eligible to obtain and maintain coverage under this permit:

#### (i) Before a Total Maximum Daily Load (TMDL)

Existing Discharges. These are discharges other than expanded dischargers from facilities that were in existence on January 19, 2002 (expiration date of the previous UST general permit). It is one of the purposes of this general permit not to authorize the discharge of pollutants in such a manner as to cause or contribute to a violation of any water quality standards. Therefore, if a [Total Maximum Daily Load \(TMDL\)](#) has not been developed at the time of filing of the Notice of Intent (NOI), in order to obtain coverage under this permit the owner or operator must certify that the groundwater treatment methods and control measures selected for the site are the most appropriate for the reduction of pollutants at the site and that these treatment methods and control measures are designed, and will be implemented to effectively minimize contributions of pollutants of concern. A failure to implement treatment methods and control measures so as to minimize contributions of those pollutants is a violation of this permit.

New or Expanded Discharges. New discharges are ones from facilities that were not in existence on January 19, 2002. Expanded discharges are ones from sites that since January 19, 2002 have increased loading of a pollutant of concern from the site. Permit coverage for new or expanded discharges of a pollutant of concern is not available under this permit and the owner or operator must seek coverage under a separate (individual) permit.

#### (ii) After a Total Maximum Daily Load (TMDL)

If a [Total Maximum Daily Load \(TMDL\)](#) has been developed and approved for the receiving water body, where the discharge is new, expanded or existing, discharges from the facility must be consistent with the applicable provisions of the TMDL. In the situation where the limitations of this permit allow discharge of pollutants of concern in excess of the wasteload allocation (WLA) specified in the TMDL, then the permittee cannot remain authorized under this general permit.

(b) Issuance of a Notice of Coverage (NOC) under this general permit will constitute confirmation of the division's finding that the discharges authorized by this general permit are either:

- not into the water quality impaired waters; or
- the nature of the discharge is not likely to contribute pollutants of concern, for which the receiving water is impaired, in amounts measurable in the impaired segment.

(c) If the division determines at any time that the discharge is causing or contributing to a violation of water quality standards or if the division has any other grounds for modifying or revoking this permit, the division may require corrective action or require the discharge be permitted differently in accordance with part VII.H (Requiring an Individual Permit, an Alternative General Permit, or Other Corrective Action).

#### 4. Threatened and Endangered Species Protection

a). Issuance of a Notice of Coverage (NOC) under this permit will constitute confirmation of the division's finding that, with properly developed and implemented groundwater treatment methods and control measures selected for the pollutants of concern, the discharges authorized hereunder are not likely to result in the taking of threatened and endangered species.

b). Should the division later determine that the discharges covered by this permit would result in the taking of threatened or endangered species, or are otherwise not in compliance with the [Endangered Species Act](#), the director, after written notification to the permittee, shall either:

(1) Notify the permittee that it is no longer eligible for coverage under this permit and require coverage under an individual NPDES permit. The permittee will continue to be covered under this permit until the division issues an individual NPDES permit for its treated groundwater discharges, provided a timely application for an individual permit is made. A timely application is defined as submitting to the division a complete permit application, including sampling, within 90 days of the notice from the director requiring the application. A permittee may request a later date for the timely submission of an individual NPDES permit application for just cause; or

(2) Notify the permittee that it must modify its groundwater treatment methods and control measures selected for the pollutants of concern. As a consequence, the discharges authorized by this permit will not result in the taking of threatened and endangered species and otherwise be in compliance with the Endangered Species Act. The permittee shall have 60 days after such notice to make such modifications to the groundwater treatment methods and control measures, and then 12 weeks to implement these modifications, unless a longer time is necessary for their implementation. Should a longer time be required, the permittee shall submit to the division's local Environmental Assistance Center (see I.C above: List of the Division's EACs with Addresses and Phone Numbers) a brief summary of the proposed modifications of groundwater treatment methods and control measures, including a timetable for implementation.

#### 5. Permit Eligibility Regarding Protection of Water Quality Standards and Compliance with State Anti-Degradation Requirements

Pursuant to the Rules of the Tennessee Department of Environment and Conservation (TDEC), [Chapter 1200-4-3-.06](#), titled "Tennessee Antidegradation Statement," and in consideration of TDEC's directive in

attaining the greatest degree of effluent reduction achievable in municipal, industrial, and other wastes, the permittee shall further be required, pursuant to the terms and conditions of this permit, to comply with any applicable Waste Load Allocations (WLA), effluent limitations and schedules of compliance, required to implement applicable water quality standards, to comply with a state water quality plan or other state or federal laws or regulations, or where practicable, to comply with a standard permitting no discharge of pollutants.

## **II. AUTHORIZATION TO DISCHARGE UNDER THIS PERMIT**

Except as provided in subparagraph I.D.2 above (Limitations on Coverage), if the Notice of Intent (NOI) is submitted as set forth in Paragraph III below (Notice of Intent (NOI) requirements), a person is permitted to discharge treated groundwater associated with underground storage tank remediation to the surface waters of the State of Tennessee in accordance with the terms of this permit and of [T.C.A. § 69-3-108\(b\)](#). Any such discharges not permitted under this permit or by an individual permit are unlawful under [T.C.A. § 69-3-108\(b\)](#). The division may grant or deny coverage under this permit or require an application for an individual permit. Upon notice from the division to the applicant, the applicant is covered under this general permit. General permits may be issued, modified, revoked, reissued or terminated in accordance with this permit and the applicable requirements of [T.C.A. § 69-3-108](#).

## **III. NOTICE OF INTENT (NOI) REQUIREMENTS**

### **A. Deadlines**

#### **1. Existing Site**

An operator of an existing site presently permitted under a general permit shall submit an NOI in accordance with the requirements of this part not more than 30 days following the effective date (March 4, 2003) of this permit. For an existing site presently permitted under an individual NPDES permit, an NOI shall be submitted 180 days before the individual permit expires.

#### **2. New Site**

An operator of a new source shall submit an NOI in accordance with the requirements of this part at least 30 days before any discharge of treated groundwater to the waters of the state occurs.

#### **3. New Operator**

Where the operator of a site that is covered by this permit changes, the new operator of the site must submit an NOI in accordance with the requirements of this part at least 5 days prior to the change. If the sale or transfer of ownership does not constitute a change of operator, and the signatory requirements for the NOI are still complied with, a new NOI does not have to be submitted.

**B. Signatory Requirements for the NOI**

The NOI must be signed according to signatory requirements of Paragraph VII.G below (Signatory Requirements for a Notice of Intent) of this permit. The NOI must bear an original signature.

**C. Content of the NOI**

(a) NOI form is provided in Appendix A of this permit. The following information must be included in an NOI:

The legal and official name of the permittee, the address or description of location of the site, the name of county the site is located, site latitude and longitude, location of the groundwater treatment site;

The name of the person, firm, organization, or other entity which owns and/or operates the subject site. The name, title or position, mailing address and E-mail of an official contact person, as well as the site contact person (i.e. local contact, if applicable) and an indication of the mailing address where correspondence should be sent;

A copy of the USGS topographical map, a city map, or a county map, identifying the location of the site and the surface waters receiving the discharge; the site map must show boundaries which extend at least a one mile radius beyond the site of the property;

Number of treated groundwater discharge outfalls at the site; for each outfall, names and stream miles or location(s) of the receiving stream(s) and/or lake(s);

Type of product(s) currently or previously stored in tanks located at the site;

A description of the contamination, assessment study, extent of the contamination, etc.;

A description of the treatment process, e.g., air stripping with activated carbon absorption, etc., the design capacity of the treatment system, type of discharge (continuous or intermittent);

Expected starting date for groundwater treatment, and estimated life of remediation project; and

The UST Site ID Number and any additional information the division may require.

(b) If the NOI is being submitted due to a change of the operator, or to update information for a site which is currently covered under this permit (such as a site name, change of a contact person, new E-mail address, etc.), the former operator's permit tracking number and the UST Site ID number should be provided.

**D. Where to Submit**

NOIs shall be submitted using the form (or a copy thereof) provided in Appendix A of this permit. NOIs are to be submitted to the division at the following address:

**UST NOI Processing  
Tennessee Division of Water Pollution Control  
6th Floor L & C Annex  
401 Church Street  
Nashville, TN 37243-1534**

**E. Electronic Submission of NOIs**

If the division notifies dischargers (directly by mail or E-mail, by public notice, or by making information available on the Internet) of other NOI form options that become available at a later date (e.g., electronic submission of forms), the operators may take advantage of those options to satisfy the NOI notification requirements.

**F. Administrative Procedure for Obtaining Notice of Coverage (NOC)**

(a) The division will review each Notice of Intent (NOI) for completeness and accuracy. Except as provided in subparagraph I.D.2 above (Limitations on Coverage), a complete and accurate NOI shall be processed as described in subparagraph (b) below.

(b) Within 30 days of receipt of a complete and accurate NOI, the division will transmit to the permittee a notice of coverage (NOC) under this permit, which shall specify the effective date of coverage under the permit. The term of coverage shall not end later than the expiration date of this general permit. If the Division has not been able to transmit an NOC to a permittee within 30 days of receipt of the NOI, discharges are authorized under this permit if the NOI has been assigned a valid NPDES general permit tracking number and the permittee has been informed of this tracking number.

(c) If the division determines the submitted NOI incomplete, or denies an applicant coverage under this general permit, the division shall notify the applicant of this determination.

#### IV. EFFLUENT LIMITS

(a) Discharges covered by this permit must comply with the following numerical effluent limits:

Parameter	Effluent Limitation
Benzene	0.005 mg/L as a daily maximum concentration
Ethyl benzene	0.010 mg/L as a daily maximum concentration
Toluene	0.010 mg/L as a daily maximum concentration
Xylene	0.010 mg/L as a daily maximum concentration
Lead, total recoverable	0.164 mg/L as a daily maximum concentration
Lead, total recoverable	0.006 mg/L as a monthly average concentration *
Total Suspended Solids (TSS)	40.0 mg/L as a daily maximum concentration
Floating Material, Color, Foam and Oil Sheen	No distinctly visible floating scum, oil or other matter
pH	6.5 - 9.0 (range)
IC25 (see Note)	Survival, Reproduction, & Growth in 100 % effluent
48 Hour LC50 (see Note)	Survival in 100% effluent

\* In addition to the daily maximum concentration limitation for total recoverable lead, monthly average limitation will apply to those treatment systems that are discharging continuously for more than 4 days at any period of time into a zero low-flow receiving stream.

Note: The type of whole effluent toxicity testing applicable to any discharge depends on the receiving stream low flow conditions. The applicable critical low flow values are determined using USGS data from: “Flow Duration and Low Flows of Tennessee Streams through 1992 by George S. Law and Jess D. Weaver. Water Resources Investigations Report 95-4293 prepared by the U.S. Geological Survey in Cooperation with the Tennessee Department of Environment and Conservation and the Tennessee Valley Authority, Nashville, Tennessee, 1996” (or the most current edition, or other appropriate USGS sources). The applicable critical low flow values for Fish and Aquatic Life Protection are: 7Q10 for low flow under natural conditions and 1Q10 for regulated low flow conditions. Discharges into zero (0) low flow receiving streams and streams that provide dilution factor up to 100:1 will have to comply with the numerical effluent limitation for IC25. Discharges with dilution factor of receiving stream to effluent between 100:1 and 500:1 will have to comply with the numerical effluent limitation for 48 hour LC50. If the calculated dilution factor is more than 500:1, and assuming immediate and complete mixing, the permittee can request a waiver of the whole effluent toxicity testing requirement. This information is summarized in the table below:

Dilution Factor	0-100	100-500	>500
Type of WET testing	IC25	LC50	No Testing Required
Percent Effluent	100%	100%	Not Applicable

Calculation of dilution factor is as follows:

$$DF = \frac{Q_s + Q_w}{Q_w} = \text{Dilution Factor}$$

where  $Q_w$  is a long-term average treated groundwater flow rate and  $Q_s$  is a receiving stream low flow (7Q10 or 1Q10, see text above). The waiver of the whole effluent toxicity testing shall be made in writing

to the address shown in the list (see I.C above: List of the Division's EACs with Addresses and Phone Numbers) for the division's Environmental Assistance Center responsible for the county where the discharge is located.

- (b) There shall be no distinctly visible floating scum, oil or other matter contained on or in the treated groundwater discharge.
- (c) The treated groundwater discharge must result in no other materials in concentrations sufficient to be hazardous or otherwise detrimental to humans, livestock, wildlife, plant life, or fish and aquatic life in the receiving stream.
- (d) Sludge or any other material removed by any treatment works must be disposed of in a manner which prevents its entrance into or pollution of any surface or subsurface waters. Additionally, the disposal of such sludge or other material must be in compliance with the Tennessee Solid Waste Disposal Act, [T.C.A. § 68-31-101](#) et seq. and the Tennessee Hazardous Waste Management Act, [T.C.A. § 68-46-101](#) et seq.
- (e) The treated groundwater discharge must not cause an objectionable color contrast in the receiving stream.
- (f) The permittee shall use best management practices (BMPs) and good engineering practices to prevent contamination of the treated groundwater discharge from materials (including but not limited to excavation pumpout, excavated soil, equipment lubricants and products) associated with underground storage tank remediation activities.

## **V. MONITORING**

- (a) The permittee must monitor the treated groundwater for the parameters set forth in part IV above (Effluent Limits) of this permit. Monitoring frequency for these parameters shall be once per quarter, except for the new operations and toxicity testing as described in subparagraphs (b) and (c) below, and any exceptions and/or additional monitoring as described in subparagraph (f) below.
- (b) For the first three months of operations, monitoring treated groundwater for the parameters set forth in part IV above (Effluent Limits) of this permit shall be conducted monthly. Using the same monitoring schedule, flow shall be reported in gallons per day (GPD) as a total daily flow.
- (c) Whole Effluent Toxicity (WET) Testing

For the first three months of operations, WET testing shall be conducted monthly on 2 appropriate test species. If toxicity is determined in any of these tests, annual testing will be required for the duration of the permit. If toxicity is not demonstrated, annual testing will not be required.

For established operations, WET testing shall be conducted once during the first 180 days from the effective date of coverage under the general permit. If toxicity is determined in this test, annual testing will be required for the duration of the permit. If toxicity is not demonstrated, annual testing will not be required.

### Chronic testing

The permittee shall conduct a 3-Brood *Ceriodaphnia dubia* Survival and Reproduction Test and a 7-Day Fathead Minnow (*Pimephales promelas*) Larval Survival and Growth Test on the same samples of final effluent. The measured endpoint for toxicity will be the inhibition concentration causing 25% reduction (IC25) in survival, reproduction, or growth of the test organisms. The IC25 shall be determined based on a 25% reduction as compared to the controls. The average reproduction and growth responses will be determined based on the number of *Ceriodaphnia dubia* or *Pimephales promelas* larvae used to initiate the test.

Test shall be conducted and its results reported based on appropriate replicates of a total of five serial dilutions and a control, using the percent effluent dilutions as presented in the following table:

Serial Dilutions for Whole Effluent Toxicity (WET) Testing					
Permit Limit (PL)	0.50 X PL	0.25 X PL	0.125 X PL	0.0625 X PL	Control
% effluent					
100	50	25	12.5	6.25	0

The dilution/control water used will be a moderately hard water as described in [Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Freshwater Organisms](#), EPA-821-R-02-013, or the most current edition. Results from a chronic standard reference toxicant quality assurance test for each species tested shall be submitted with the discharge monitoring report. Reference toxicant tests shall be conducted as required in EPA-821-R-02-013 (or the most current edition).

Toxicity will be demonstrated if the IC25 is less than or equal to the permit limit indicated in the above table. Toxicity demonstrated by the tests specified herein constitutes a violation of this permit.

All tests will be conducted using a minimum of three 24-hour flow-proportionate composite samples of final effluent collected on days 1, 3 and 5. If, in any control more than 20% of the test organisms die in 7 days, the test (control and effluent) is considered invalid and the test shall be repeated within 30 days of the date the initial test is invalidated. Furthermore, if the results do not meet the acceptability criteria of section 4.9.1, EPA-821-R-02-013 (or the most current edition), that test shall be repeated. Any test initiated but terminated before completion must also be reported along with a complete explanation for the termination.

In the event of a test failure, the permittee must start a follow-up test within 2 weeks and submit results from a follow-up test within 30 days from obtaining initial WET testing results. The follow-up test must be conducted using the same serial dilutions as presented in the corresponding table above. The follow-up test will not negate an initial failed test. In addition, the failure of a follow-up test will constitute a separate permit violation which must also be reported.

In the event of 2 consecutive test failures or 3 test failures within a 12 month period for the same outfall, the permittee must initiate a Toxicity Identification Evaluation/Toxicity Reduction Evaluation (TIE/TRE) study within 30 days and so notify the division by letter. This notification shall include a schedule of activities for the initial investigation of that outfall. During the term of the TIE/TRE study, the frequency of biomonitoring shall be once every three months. Additionally, the permittee shall submit progress reports once every three months throughout the term of the TIE/TRE study. The toxicity must be reduced



to allowable limits for that outfall within 1 year of initiation of the TIE/TRE study. Subsequent to the results obtained from the TIE/TRE studies, the permittee may request an extension of the TIE/TRE study period if necessary to conduct further analyses. The final determination of any extension period will be made at the discretion of the division.

The TIE/TRE study may be terminated at any time upon the completion and submission of 2 consecutive tests (for the same outfall) demonstrating compliance. Following the completion of TIE/TRE study, the frequency of monitoring will return to a regular schedule, as defined previously in this section. During the course of the TIE/TRE study, the permittee will continue to conduct toxicity testing of the outfall being investigated at the frequency of once every three months but will not be required to perform follow-up tests for that outfall during the period of TIE/TRE study.

Test procedures, quality assurance practices, determinations of effluent survival/reproduction and survival/growth values, and report formats will be made in accordance with [Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Freshwater Organisms](#), EPA-821-R-02-013, or the most current edition.

Results of all tests, reference toxicant information, copies of raw data sheets, statistical analysis and chemical analyses shall be compiled in a report. The report will be written in accordance with [Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Freshwater Organisms](#), EPA-821-R-02-013, or the most current edition.

Two copies of biomonitoring reports (including follow-up reports) shall be submitted to the division. One copy of the report shall be submitted along with the discharge monitoring report (DMR). The second copy shall be submitted to the local Environmental Assistance Center.

#### Acute testing

The permittee shall conduct a 48-hour static acute toxicity test on two test species on the same samples of final effluent. The test species to be used are Water Fleas (*Ceriodaphnia dubia*) and Fathead Minnows (*Pimephales promelas*).

The measured endpoint for toxicity will be the concentration causing 50% lethality (LC50) of the test organisms. The LC50 shall be determined based on a 50% lethality as compared to the controls.

Test shall be conducted and its results reported based on appropriate replicates of a total of five serial dilutions and a control, using the percent effluent dilutions as presented in the following table:

Serial Dilutions for Whole Effluent Toxicity (WET) Testing					
Permit Limit (PL)	0.50 X PL	0.25 X PL	0.125 X PL	0.0625 X PL	Control
% effluent					
100	50	25	12.5	6.25	0

The dilution/control water used will be a moderately hard water as described in [Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms](#), EPA-821-R-02-012 (or the most current edition). Results from an acute standard reference toxicant quality assurance test for each species

tested shall be submitted with the discharge monitoring report. Reference toxicant tests shall be conducted as required in EPA-821-R-02-012 (or the most current edition).

Toxicity will be demonstrated if the LC50 is less than or equal to the permit limit indicated in the above table. Toxicity demonstrated by the tests specified herein constitutes a violation of this permit.

All tests will be conducted using four separate grab samples of final effluent, to be used in four separate tests, and shall be collected at evenly spaced (6-hour) intervals over a 24-hour period. If, in any control more than 20% of the test organisms die in 48 hours, the test (control and effluent) is considered invalid and the test shall be repeated within 30 days of the date the initial test is invalidated. Furthermore, if the results do not meet the acceptability criteria as defined in [Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms](#), EPA-821-R-02-012, that test shall be repeated. Any test initiated but terminated before completion must also be reported along with a complete explanation for the termination.

In the event of a test failure, the permittee must start a follow-up test within 2 weeks and submit results from a follow-up test within 30 days from obtaining initial WET testing results. The follow-up test must be conducted using the same serial dilutions as presented in the corresponding table(s) above. The follow-up test will not negate an initial failed test. In addition, the failure of a follow-up test will constitute a separate permit violation which must also be reported.

In the event of 2 consecutive test failures or 3 test failures within a 12 month period for the same outfall, the permittee must initiate a Toxicity Identification Evaluation/Toxicity Reduction Evaluation (TIE/TRE) study within 30 days and so notify the division by letter. This notification shall include a schedule of activities for the initial investigation of that outfall. During the term of the TIE/TRE study, the frequency of biomonitoring shall be once every three months. Additionally, the permittee shall submit progress reports once every three months throughout the term of the TIE/TRE study. The toxicity must be reduced to allowable limits for that outfall within 1 year of initiation of the TIE/TRE study. Subsequent to the results obtained from the TIE/TRE studies, the permittee may request an extension of the TIE/TRE study period if necessary to conduct further analyses. The final determination of any extension period will be made at the discretion of the division.

The TIE/TRE study may be terminated at any time upon the completion and submission of 2 consecutive tests (for the same outfall) demonstrating compliance. Following the completion of TIE/TRE study, the frequency of monitoring will return to a regular schedule, as defined previously in this section as well in Part I of the permit. During the course of the TIE/TRE study, the permittee will continue to conduct toxicity testing of the outfall being investigated at the frequency of once every three months but will not be required to perform follow-up tests for that outfall during the period of TIE/TRE study.

Test procedures, quality assurance practices and determination of effluent lethality values will be made in accordance with [Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms](#), EPA-821-R-02-012, or the most current edition.

Results of all tests, reference toxicant information, copies of raw data sheets, statistical analysis and chemical analysis shall be compiled in a report. The report shall be written in accordance with [Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms](#), EPA-821-R-02-012, or the most current edition.

(d) Sample types shall be as follows, with the exception of subparagraph (e):

Parameter	Sample Type
Flow	Instantaneous
Benzene	Grab
Ethyl benzene	Grab
Toluene	Grab
Xylene	Grab
Lead, total recoverable	Grab
Total Suspended Solids (TSS)	Grab
Floating Material, Color, Foam and Oil Sheen	Visual
pH	Grab
48 Hour LC50 or IC25	Composite

(e) If the division determines that a discharge will not accurately be characterized by grab samples, the division may require the permittee to sample by composite sample. This requirement shall be given by written notice to the permittee.

(f) The division may require the permittee to sample for additional parameters, or sample at an increased monitoring frequency, by either grab or composite sample. Replacing or changing the groundwater treatment system at a site may be a cause for the division to require sampling for additional parameters, or sample at an increased monitoring frequency. Any additional requirements shall be given by written notice to the permittee.

## VI. REPORTING

### A. Monitoring Results

Monitoring results shall be recorded monthly and submitted monthly for new operations and recorded quarterly and submitted quarterly for established operations using [Discharge Monitoring Report \(DMR\)](#) forms supplied by the Division of Water Pollution Control. The first DMR is due 15 days after the first complete monitoring period in the effective term of coverage under this permit. Remaining DMRs shall be postmarked no later than 15 days after the completion of the reporting period. DMRs must be signed and certified pursuant to the signatory requirements described in part VII.G.2 (Signatory Requirements for Reports). The top two copies of each report must be submitted to the division. A copy of the DMR form should be retained for the permittee's files. Two copies of WET testing reports (including follow-up reports) shall be submitted to the division. One copy of the WET testing report shall be submitted along with the discharge monitoring report (DMR). The second copy of the WET testing report shall be submitted to the local Environmental Assistance Center (see I.C above: List of the Division's EACs with Addresses and Phone Numbers), to the attention of the Division of Underground Storage Tanks.

### B. Where to Submit

Completed Discharge Monitoring Report (DMR) forms, WET testing reports and any communication regarding compliance with the conditions of this permit must be sent to:

**Tennessee Division of Water Pollution Control  
Enforcement and Compliance Section  
Attention: Compliance Review  
6th Floor L & C Annex  
401 Church Street  
Nashville, TN 37243-1534**

**C. Additional Monitoring by Discharger**

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculations and reporting of the values required in the Discharge Monitoring Report (DMR) form. Such increased frequency shall also be indicated in the "Frequency" column of the DMR.

**VII. STANDARD PERMIT CONDITIONS**

**A. Duty to Comply**

**1. Permittee's Duty to Comply**

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act (CWA) and/or the Tennessee Water Quality Control Act (TWQCA) is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

**2. Penalties for Violations of Permit Conditions**

Pursuant to [T.C.A. § 69-3-115](#) of The Tennessee Water Quality Control Act of 1977, as amended:

- a) any person who violates an effluent standard or limitation or a water quality standard established under this part ([T.C.A. § 69-3-101](#), et.seq.); violates the terms or conditions of this permit; fails to complete a filing requirement; fails to allow or perform an entry, inspection, monitoring or reporting requirement; violates a final determination or order of the board, panel or commissioner; or violates any other provision of this part or any rule or regulation promulgated by the board, is subject to a civil penalty of up to ten thousand dollars (\$10,000) per day for each day during which the act or omission continues or occurs;
- b) any person unlawfully polluting the waters of the state or violating or failing, neglecting, or refusing to comply with any of the provisions of this part ([T.C.A. § 69-3-101](#), et.seq.) commits a Class C misdemeanor. Each day upon which such violation occurs constitutes a separate offense;
- c) any person who willfully and knowingly falsifies any records, information, plans, specifications, or other data required by the board or the commissioner, or who willfully and knowingly pollutes the waters of the state, or willfully fails, neglects or refuses to comply with any of the provisions of this part ([T.C.A. § 69-3-101](#), et.seq.) commits a Class E felony and shall be punished by a fine of not more than twenty-five thousand dollars (\$25,000) or incarceration, or both.

Nothing in this permit shall be construed to relieve the discharger from civil or criminal penalties for noncompliance. Notwithstanding this permit, the discharger shall remain liable for any damages sustained by the State of Tennessee, including but not limited to fish kills and losses of aquatic life and/or wildlife, as a result of the discharge of treated groundwater to any surface or subsurface waters. Additionally, notwithstanding this permit, it shall be the responsibility of the discharger to conduct its groundwater treatment and/or discharge activities in a manner such that public or private nuisances or health hazards will not be created. Furthermore, nothing in this permit shall be construed to preclude the State of Tennessee from any legal action or relieve the discharger from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or the Federal Water Pollution Control Act.

**B. Continuation of the Expired General Permit**

This permit expires on February 29, 2008. The permittees may maintain coverage under the expired general permit (until a new general permit is issued) by re-submitting the completed NOI prior to the expiration date of this general permit. Permittees who choose, or are required, to obtain an individual permit must submit an application (Forms [1](#) and [2E](#) and any other [applicable forms](#)) 180 days prior to expiration of this general permit. Permittees who are eligible and choose to be covered by a new general permit must submit an NOI by the date specified in that permit.

**C. Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

**D. Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

**E. Duty to Provide Information**

The permittee shall furnish to the division , within a time specified by the division , any information that the division may request to determine compliance with this permit. The permittee shall also furnish to the division upon request, copies of records required to be kept by this permit.

**F. Other Information**

When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the NOI or in any other report to the division , he or she shall promptly submit such facts or information.

**G. Signatory Requirements**

All Notices of Intent (NOI), requests for termination of permit coverage, discharge monitoring report (DMR) forms, acute toxicity testing reports, certifications and/or any other information either submitted to the division, or that this permit requires be maintained by the permittee, shall be signed and dated.

1. Signatory Requirements for a Notice of Intent (NOI)<sup>1</sup>

Notice of Intent (NOI) shall be signed as follows:

a) For a corporation, by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

- (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
- (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated site including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

NOTE: The division does not require specific assignments or delegations of authority to responsible corporate officers. The division will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions rather than to specific individuals.

b) For a partnership or sole proprietorship, by a general partner or the proprietor, respectively.

c) For a municipality, State, Federal, or other public agency, by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

- (i) The chief executive officer of the agency, or
- (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

2. Signatory Requirements for Reports

All reports required by the permit and other information requested by the division shall be signed as follows:

All reports required by permits, and other information requested by the director shall be signed by a person described in Paragraph VII.G.1 above (Signatory Requirements for a Notice of Intent), or by a duly authorized representative of that person. A person is a duly authorized representative only if:

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<sup>1</sup> As specified in 40 CFR 122.22(a)(1)-(3) [48 FR 14153, Apr. 1, 1983, as amended at 48 FR 39619, Sept. 1, 1983; 49 FR 38047, Sept. 29, 1984; 50 FR 6941, Feb. 19, 1985; 55 FR 48063, Nov. 16, 1990; 65 FR 30907, May 15, 2000]

- a) The authorization is made in writing by a person described in Paragraph VII.G.1 above (Signatory Requirements for a Notice of Intent;
- b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated site or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and,
- c) The written authorization is submitted to the director.

### 3. Changes to Authorization

If an authorization under Paragraph VII.G above is no longer accurate because a different individual or position has responsibility for the overall operation of the site, a new authorization satisfying the requirements of Paragraph VII.G.2 must be submitted to the director prior to or together with any reports, information, or applications to be signed by an authorized representative.

### 4. Certification

Any person signing a document under Paragraph VII.G above shall make the following certification:

*“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”*

## H. **Requiring an Individual Permit, an Alternative General Permit, or Other Corrective Action**

### 1. Division of Water Pollution Control Designation

If the division has notified the owner or operator in writing before or after the filing of a Notice of Intent (NOI) that the site's discharges will cause or contribute to a violation of water quality standard or that coverage under this general permit is subject to being modified or revoked for any grounds under [T.C.A. § 69-3-108\(f\)](#), the discharger has the following options :

- (a.) Provide a demonstration to the division within 60 days of the notification that the discharge does not cause or contribute to a violation of water quality standard;
- (b.) Modify treatment methods and control measures at the site to address the state's concerns within 120 days of the notification; or



- (c.) Apply for coverage under other general permit (if available) or file an individual permit application within 180 days of the notification. Individual permit applications shall be submitted to the address shown in the list (see I.C above: List of the Division's EACs with Addresses and Phone Numbers) for the division's Environmental Assistance Center responsible for the county where the site is located.

The permittee does not lose coverage under the general permit while exercising the above options. Although a permittee may exercise more than one of these three options, if the division does not approve the actions taken under (a) or (b), the permittee must comply with (c) within the stated time or an extension thereof granted by the division. If the owner or operator fails to submit in a timely manner an individual NPDES permit application as required by the division, the applicability of this permit to the individual NPDES permittee is automatically terminated at the end of the day specified for application submittal.

Any interested person may petition the division to take action under this paragraph.

## 2. Individual Permit Application

Any owner or operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. The owner or operator shall submit an individual application (Forms [1](#) and [2E](#) and any other [applicable forms](#)) with reasons supporting the request to the division. Individual permit applications shall be submitted to the address of the appropriate division's Environmental Assistance Center (see I.C above: List of the Division's EACs with Addresses and Phone Numbers). The request may be granted by the issuance of any individual permit or an alternative general permit if the reasons cited by the owner or operator are adequate to support the request.

## 3. Individual/Alternative General Permit Issuance

When an individual NPDES permit is issued to an owner or operator otherwise subject to this permit, or the owner or operator is authorized for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to an owner or operator otherwise subject to this permit, or the owner or operator is denied for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the division.

## **I. State/Environmental Laws**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable Tennessee law or regulation under authority preserved by the [Section 510 of the Clean Water Act](#). No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.



1. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under [Section 311 of the Clean Water Act \(CWA\)](#) or Section 106 of the [Comprehensive Environmental Response, Compensation and Liability Act of 1980 \(CERCLA\)](#). This permit does not relieve the person of the reporting requirements for releases in excess of reportable quantities as described in [40 CFR Part 117](#) and [40 CFR Part 302](#).

2. Property Rights

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

3. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

**J. Proper Operation and Maintenance**

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related equipment) that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.

**K. Monitoring and Records**

1. Representative Samples/Measurements

Samples and measurements taken in compliance with the monitoring requirements specified above shall be representative of the volume and nature of the discharges of treated groundwater associated with underground storage tank (UST) remediation. The samples and measurements shall be taken after treatment of the contaminated groundwater and prior to mixing with contaminated or uncontaminated storm water runoff or the receiving stream.

2. Retention of Records

The permittee shall retain records of all monitoring information, copies of all reports required by this permit, and records of all data used to complete the application of this permit for a period of at least three (3) years from the date of sample, measurement, evaluation or inspection, report, or application. This period may be extended by request of the division at any time. Permittees must submit any such records to the division upon request.

### 3. Records Contents

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a) The date, exact place, and time of sampling or measurements;
- b) The initials or name(s) of the individual(s) who performed the sampling or measurements;
- c) The date(s) analyses were performed;
- d) The time(s) analyses were initiated;
- e) The initials or name(s) of the individual(s) who performed the analyses;
- f) References and written procedures, when available, for the analytical techniques or methods used; and
- g) The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

### 4. Approved Monitoring Methods

Test procedures for the analysis of parameters shall conform to the regulations published pursuant to [Section 304\(h\) of the Clean Water Act](#), as amended. Unless otherwise noted elsewhere in the permit, all pollutant parameters shall be determined according to methods prescribed in [Title 40, CFR, Part 136](#), as amended, promulgated pursuant to [Section 304 \(h\) of the Act](#).

### 5. Penalties for Falsification of Reports

[Section 69-3-115](#) of the Tennessee Water Quality Control Act and in [Section 309 of the Federal Water Pollution Control Act](#) provide that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years, or by both.

#### **L. Inspection and Entry**

The permittee shall allow the division or an authorized representative of the division, the U.S. EPA or an authorized representative of the U.S. EPA or, in the case of a site that discharges through a municipal separate storm sewer, an authorized representative of the municipal operator or the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to: enter upon the permittee's premises where a regulated site or activity is located or conducted or where records must be kept under the conditions of this permit; have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and inspect at reasonable times any facilities or equipment (including monitoring and control equipment).

#### **M. Permit Actions**

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

**N. Bypass of Treatment Facility**

1. Notice

a) Anticipated Bypass. If a permittee subject to the numeric effluent limitations of Part IV above of this permit knows in advance of the need for a bypass, he or she shall submit prior notice, if possible, at least 10 days before the date of the bypass; including an evaluation of the anticipated quality and effect of the bypass.

b) Unanticipated Bypass. The permittee subject to the numeric effluent limitations of Part IV above of this permit shall submit notice of an unanticipated bypass. Any information regarding the unanticipated bypass shall be provided orally within 24 hours from the time the permittee became aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee became aware of the circumstances. The written submission shall contain a description of the bypass and its cause; the period of the bypass; including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

2. Prohibition of Bypass

Bypass is prohibited and the division may take enforcement action against a permittee for a bypass, unless:

- 1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- 2) There were no feasible alternatives to the bypass, such as the use of auxiliary facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee should, in the exercise of reasonable engineering judgment, have installed adequate backup equipment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
- 3) The permittee notified the division in accordance with Paragraph VII.N.1 above: Notice.

The division may approve an anticipated bypass after considering its adverse effects, if the division determines that it will meet the three conditions listed in Paragraph VII.N.2 above: Prohibition of Bypass.

**O. Upset Conditions**

1. Affirmative Defense

An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based numeric effluent limitations in Part IV above this permit if the requirements of Paragraph 2 below are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

2. Required Defense

A permittee who wishes to establish the affirmative defense of an upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

- a) An upset occurred and that the permittee can identify the specific cause(s) of the upset:
- b) The permitted facility was at the time being properly operated; and
- c) The permittee provided oral notice of the upset to the division within 24 hours from the time the permittee became aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee became aware of the circumstances. The written submission shall contain a description of the upset and its cause; the period of the upset; including exact dates and times, and if the upset has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the upset.

### 3. Burden of Proof

In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

## **P. Placement of signs**

Within sixty (60) days of obtaining a notice of coverage under this general permit, the permittee shall place and maintain a sign at each discharge outfall. The sign(s) should be clearly visible to the public from the bank and the receiving stream or from the nearest public property/right-of-way, if applicable. The minimum sign size should be two feet by two feet (2'x2') with one inch (1") letters. The sign should be made of durable material and have a white background with black letters.

The sign(s) are to provide notice to the public as to the nature of the discharge and, in the case of the permitted outfalls, that the discharge is regulated by the Tennessee Department of Environment and Conservation, Division of Water Pollution Control. The following is given as an example of the minimal amount of information that must be included on the sign:

<p><b>UNDERGROUND STORAGE TANK REMEDIATION TREATED GROUNDWATER DISCHARGE (PERMITTEE'S NAME) (PERMITTEE'S PHONE NUMBER) NPDES PERMIT TRACKING # TNG83_____ TENNESSEE DIVISION OF WATER POLLUTION CONTROL 1-888-891-8332 ENVIRONMENTAL ASSISTANCE CENTER – (EAC_NAME)</b></p>
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## **VIII. REOPENER CLAUSE**

### **A. Potential or Realized Impacts on Water Quality**

If there is evidence indicating potential or realized impacts on water quality or on a listed endangered species due to any effluent discharge covered by this permit, the owner or operator of such discharge may be required to obtain an individual permit or an alternative general permit in accordance with Paragraph VII.H above: Requiring an Individual Permit, an Alternative General Permit, or Other Corrective Action or the permit may be modified to include different limitations and/or requirements.

**B. Applicable Regulations**

Permit modification or revocation will be conducted according to [40 CFR §122.62](#), [§122.63](#), [§122.64](#) and [§124.5](#).

**IX. TERMINATION OF COVERAGE**

**A. Notice of Termination**

A permittee shall request termination of coverage under this permit if and when discharges of treated groundwater associated with UST site remediation to the surface waters of the State have been eliminated. The permittee must submit facts in support of the notice, which shall be signed in accordance with Paragraph VII.G above: Signatory Requirements of this permit. The division retains the right to deny termination of coverage under this general permit upon receipt of the necessary notice and information from the permittee. If discharges have ceased but coverage under the general permit is still in effect because the permittee has not requested termination of permit coverage, the permittee will continue to be responsible for annual permit maintenance fees billed according to [Chapter 1200-4-11 – Environmental Protection Fund Fees](#). The written notice of termination shall include the following information:

Site Information: Name, mailing address, and location of the site for which the notice is submitted;

Operator Information: The name, address, and telephone number of the operator addressed by the notice;

Permit Number: The NPDES permit tracking number for the site discharging treated groundwater associated with underground storage tank remediation identified by the notice;

Reason for Termination: An indication of whether the discharges of treated groundwater associated with underground storage tank remediation have been eliminated or the operator of the discharges has changed; and

Certification: The following certification signed in accordance with VII.G above: Signatory Requirements of this permit:

*“I certify under penalty of law that all discharges of treated groundwater associated with underground storage tank remediation from the identified site that are authorized by an NPDES general permit have been eliminated or that I am no longer the operator of the industrial activity. I understand that by submitting this notice of termination, that I am no longer authorized to discharge treated groundwater associated with underground storage tank remediation under this general permit, and that discharging pollutants associated with treated groundwater associated with underground storage tank remediation to waters of the state is unlawful under the Clean Water Act where the discharge is not authorized by an NPDES permit. I also understand that the submittal of this notice of termination does not release an operator from liability for any violations of this permit or the Clean Water Act.”*

**B. Where to Submit**

All written notices of termination shall be submitted to the address shown in the list (see I.C above: List of the Division's EACs with Addresses and Phone Numbers) for the division's Environmental Assistance Center responsible for the county where the site is located.

**C. Electronic Submission of Notice of Termination**

If the division notifies dischargers (directly by mail or E-mail, by public notice, or by making information available on the Internet) of other Notice of Termination options that become available at a later date (e.g., electronic submission of forms or letters), the permittees may take advantage of those options to satisfy the notice of termination notification requirements.

**X. DEFINITIONS**

BEST MANAGEMENT PRACTICES (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs can also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

BYPASS means the intentional diversion of waste streams from any portion of a treatment facility.

CALENDAR DAY, for the purpose of this permit, is defined as any 24-hour period.

COMPOSITE SAMPLE, for the purpose of this permit, shall consist of three or more grab samples (see definition below) of equal volume taken at time intervals to help insure that the sample collected accurately represents the contents of the discharge from the site. For the purpose of whole effluent toxicity (WET) testing, composite samples are defined in Part V(c) of the permit.

CWA means Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972).

DAILY MAXIMUM CONCENTRATION is a limitation on the average concentration, in milligrams per liter (mg/L), of the discharge during any calendar day. When a proportional-to-flow composite sampling device is used, the daily concentration is the concentration of that 24-hour composite; when other sampling means are used, the daily concentration is the arithmetic mean of the concentrations of equal volume samples collected during any calendar day or sampling period.

DIRECTOR means the director of the Tennessee Division of Water Pollution Control, or an authorized representative.

GRAB SAMPLE, for the purpose of this permit, is defined as a single effluent sample of at least 100 milliliters collected at a randomly-selected time over a period not exceeding 15 minutes. The sample(s) shall be collected at the period(s) most representative of the total discharge.

HIGH QUALITY WATERS are surface waters of the State of Tennessee that satisfy characteristics of high quality waters as listed in [Rule 1200-4-3-.06](#) of the official compilation - rules and regulations of the

State of Tennessee. Characteristics include waters designated by the Water Quality Control Board as Outstanding National Resource Waters (ONRW); waters that provide habitat for ecologically significant populations of certain aquatic or semi-aquatic plants or animals; waters that provide specialized recreational opportunities; waters that possess outstanding scenic or geologic values; or waters where existing conditions are better than water quality standards. High quality waters are sometimes referred to as Tier II or Tier III (ONRW) waters.

IMPAIRED WATERS means any segment of surface waters that has been identified by the division as failing to support classified uses. The Division periodically compiles a list of such waters. The Division will notify applicants and permittees if their discharge is into, or is affecting, impaired waters.

**LOAD ALLOCATION (LA):** The portion of a receiving water's loading capacity that is attributed either to one of its existing or future nonpoint sources of pollution or to natural background (40 CFR 130.2(g)).

**MARGIN OF SAFETY (MOS):** The "MOS" accounts for uncertainty in the loading calculation. The MOS may not be the same for different waterbodies due to differences in the availability and strength of data used in the calculations.

**MONTHLY AVERAGE CONCENTRATION**, a limitation on the discharge concentration, in milligrams per liter (mg/L), is the arithmetic mean of all daily concentrations determined in a one-month period.

**NEW SOURCE** means any building, structure, site, or installation from which there is or may be a discharge of pollutants, the construction of which commenced: (i) after promulgation of standards of performance under section 306 of the Clean Water Act (CWA) which are applicable to such source; or (ii) after proposal of standards of performance in accordance with section 306 of CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal.

**NONPOINT SOURCE** is essentially any source of pollutant(s) that is not a point source. Examples are sheet flow from pastures and runoff from paved areas.

**POINT SOURCE** means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

**SIGNIFICANT SPILLS** includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act (see 40 CFR 110.10 and CFR 117.21) or Section 102 of CERCLA (see 40 CFR 302.4).

**SITE**, for the purpose of this permit, shall mean the location at which the groundwater remediation will take place.

**STORM WATER** means contaminated or uncontaminated storm water runoff, snow melt runoff, and surface runoff and drainage.

TMDL (Total Maximum Daily Load) is the sum of the individual wasteload allocations for point sources and load allocations for nonpoint sources and natural background (40 CFR 130.2(I)). TMDL is a study that: 1. quantifies the amount of a pollutant in a stream, 2. identifies the sources of the pollutant, 3. and recommends regulatory or other actions that may need to be taken in order for the stream to no longer be polluted. Following are actions that might be recommended: Re-allocate limits on the sources of pollutants documented as impacting streams. It might be necessary to lower the amount of pollutants being discharged under NPDES permits or to require the installation of other control measures, if necessary, to insure that standards will be met. For sources the division does not have regulatory authority over, such as ordinary non-point source agricultural and forestry activities, provide information and technical assistance to other state and federal agencies that work directly with these groups to install appropriate Best Management Practices. Even for the impacted streams not supporting their classified designated uses. TMDL development is not considered appropriate for all bodies of water: if enforcement has already been taken and a compliance schedule has been developed; or if best management practices have already been installed for non-regulated activities, the TMDL is considered not applicable. In cases involving pollution sources in other states, the recommendation may be that another state or EPA perform the TMDL analysis. TMDLs can be described by the following equation:

$$\text{TMDL} = \text{sum of non-point sources (LA)} + \text{sum of point sources (WLA)} + \text{margin of safety}$$

UPSET means an exceptional incident in which there is unintentional and temporary noncompliance with the numeric effluent limitations as described in Paragraph IV above (Effluent Limit) of this permit because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

**WASTELOAD ALLOCATION (WLA):** The portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution. WLAs constitute the type of water quality-based effluent limitation. ([40 CFR 130.2\(h\)](#)).

**WATER QUALITY-LIMITED SEGMENTS:** Those water segments that do not or are not expected to meet applicable water quality standards even after the application of technology-based effluent limitations required by sections 301(b) and 306 of the Act. ([40 CFR 130.2\(j\)](#)) Technology-based controls include, but are not limited to, best practicable control technology currently available (BPT) and secondary treatment.

**WATERS OF THE STATE** or simply **WATERS** is defined in the Tennessee Water Quality Control Act and means any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine to effect a junction with natural surface or underground waters.





DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL

**NOTICE OF INTENT (NOI)**  
for discharges of treated groundwater associated with  
**UNDERGROUND STORAGE TANK (UST) REMEDIATION**

Site Name:	County:
Street Address or Location:	Latitude:
	Longitude:
■ All entries must be in ink. ■ Attach a copy of U.S.G.S. topographical map, a city map, or a county map, identifying the location of this facility. ■ This NOI must be signed by a responsible corporate officer for a corporation, a general partner for a partnership, the proprietor for a sole proprietorship, or a principal executive officer or ranking elected official for a public agency. ■ If this NOI is submitted because of new operator or to update facility information (such as name of facility, new official contact person name, new E-mail address, etc.), provide the existing permit tracking number:	

Owner or Operator: (the person or legal entity which controls site's operation; this may or may not be the same as the site name or the official contact name)				
<b>1</b>	Official Contact Person Name: (individual responsible for a site)	Title or Position:		
	Mailing Address:	City:	State:	Zip:
	Phone: (      )	E-mail:		

<b>2</b>	Local Contact Person Name: (if appropriate, write "same as #1")	Title or Position:		
	Site Address: (this may or may not be the same as street address)	Site City:	State: TN	Zip:
	Phone: (      )	E-mail:		

Write in the box (to the right) or circle the number (above) to indicate where to send correspondence:

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Treated groundwater from the site enters following stream(s) and/or lake(s): (for each outfall, give names and stream miles)	Number of outfalls:
Type of product(s) currently or previously stored in tanks located at the site:	UST Site ID Number
A description of contamination, assessment study, extent of contamination, etc. Attach additional pages if necessary.	
A description and design capacity of treatment process and facilities. Circle discharge type (continuous means more than 4 days at a time):	Continuous Intermittent
Expected starting date for groundwater treatment, and estimated life of remediation project:	

**CERTIFICATION AND SIGNATURE**

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations

Printed Name      Official Title      Signature      Date

**STATE USE ONLY**

Received Date	Domestic Water Supply Use	Protective for Lead Conc.	Tracking No.	EAC
Impaired Receiving Stream	High Quality Water	T & E Aquatic Fauna	NOC Date	Reviewer

Submit the original completed and signed form to:

**UST NOI Processing**  
**Division of Water Pollution Control**  
**6<sup>th</sup> Floor L&C Annex, 401 Church Street**  
**Nashville, TN 37243-1534**